

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JEROME ADRIAN DAVID,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-534-SLP
)	
SCOTT CROW, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Supplemental Report and Recommendation (R&R) [Doc. No. 29] issued by United States Magistrate Judge Gary M. Purcell on November 12, 2021, recommending dismissal of Plaintiff's Complaint pursuant to Rule 41(b) of the Federal Rules of Civil Procedure based on Plaintiff's failure to respond to an Order to Show Cause [Doc. No. 28] issued October 29, 2021. The Order to Show Cause was directed to Plaintiff's failure to timely submit service papers.

On November 15, 2021, Plaintiff responded to Judge Purcell's Order to Show Cause and advised the Court that he had never received the service papers previously mailed by the Clerk of Court on August 17, 2021. Therefore, by Order entered November 17, 2021 [Doc. No. 31] this Court directed that service papers be re-mailed to Plaintiff to complete and return. Plaintiff also filed an Objection to the R&R [Doc. No. 32] reiterating that he had not received the service papers mailed on August 17, 2021.


After the Clerk of Court re-mailed service papers to Plaintiff, he has timely returned the completed service papers and Returns of Service have been filed by the United States

Marshal Service. Based on these further developments, the Court finds the grounds for dismissal under Rule 41(b) set forth in the R&R are not warranted.

IT IS THEREFORE ORDERED that the Court DECLINES to ADOPT the Report and Recommendation [Doc. No. 29].

IT IS FURTHER ORDERED that this matter is re-referred to United States Magistrate Judge Gary M. Purcell for further proceedings in accordance with the terms of the original Enter Order Referring Case [Doc. No. 4].

IT SO ORDERED this 31st day of January, 2022.


SCOTT L. PALK
UNITED STATES DISTRICT JUDGE